

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

In the Matter of
Part 56 of Title 12 of the Official Compilation
of Codes, Rules and Regulations
of the State of New York

(Cited as 12NYCRR 56)
(As Amended Effective November 9, 1994)

Code Rule Sections 56-6.1; 56-8.1, Subdivision (j)
Subdivision (k), Paragraphs (1) through (5);
Section 56-9-1; Section 56-10-1;
Section 56-11.1(b); Section 56-15.2 Subdivisions
(b) through (e), Section 56-16.1 Subdivision (a)
and Section 56-17.2 Subdivision (a)(1).

COMMISSIONER'S
DECISION

APPLICABLE
VARIANCE
(AV 108) *

ASBESTOS

GLOVEBAG
OPERATIONS

DATED
JUNE 3, 1997

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 56 as they relate to the use of glovebags for the removal of asbestos or asbestos containing material; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuances of an applicable variance from the aforementioned provisions of Industrial Code Rule 56, as such pertain to the use of glovebags for the removal of asbestos or asbestos containing material, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

439136



APPLICABLE VARIANCE

A variance from the aforementioned provisions of Industrial Code Rule 56 is hereby GRANTED, relative to the use of glovebags for the removal of asbestos or asbestos containing material, subject to the following conditions:

CONDITIONS

1. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. A waste decontamination enclosure system that fully complies with Subpart 56-10 shall be utilized. These enclosure systems can be remote and shall be removed only after satisfactory clearance air monitoring results have been achieved.
2. If remote decontamination units are used, workers shall don two (2) suits; and the containment shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit.
3. Each glovebag work location shall be completely enclosed in a

tent or "mini-containment". The inside of the tent or "mini-containment" is the work area. All tents shall have floor, ceiling, walls, and an attached airlock. Negative air pressurization shall be utilized.

4. The requirements of Section 56-15.4 shall be complied with in the event of glovebag failure.
5. A tape barrier shall be installed at an appropriate distance from the perimeter of the tent to isolate the work area.
6. Uncertified workers shall be prohibited from all work area(s).
7. In addition to the requirements of Subpart 56-17, air monitoring shall be conducted daily in each section of the work area in which glovebag techniques are being utilized. Sample and analysis turnaround time shall not exceed twenty-four hours. If air sampling results indicate airborne asbestos fiber concentration at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately and methods shall be altered to reduce the airborne asbestos fiber concentration to the aforesaid level. Work shall not resume until that level is attained.
8. Individual glovebags shall be used no more than once during

the course of an asbestos removal project and shall not be moved or reused.

9. The contractor shall observe, at a minimum, four (4) hour waiting (settling/drying) periods.
10. After completion of the final four (4) hour drying period, an authorized and qualified individual, (i.e., the Project Monitor, Air Monitor or Design Engineer) shall inspect abatement locations for dryness and debris. Once abatement areas are inspected and determined dry and free of debris, clearance air tests may be performed.
11. If clearance air test results fail, abatement areas shall be recleaned, a new four (4) hour settling period observed and tests rerun.
12. If tents are required to be up more than one day, daily air tests shall be required. Once acceptable air results have been attained and area is free of debris the tent shall be disassembled.
13. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.

14. All other applicable provisions of Industrial Code Rule 56-1 through 56-18 shall be complied.

This VARIANCE shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforecited provisions of Industrial Code Rule 56 apply to the use of glovebags for the removal of asbestos or asbestos containing material with the same force and effect as if this VARIANCE were duly granted upon separate petition for the use and benefit of every person affected by the aforecited provisions of Industrial Code Rule 56.

DATED: JUNE 3, 1997

JOHN E. SWEENEY
COMMISSIONER OF LABOR

BY


RICHARD CUCOLO, DIRECTOR
DIVISION OF SAFETY AND HEALTH

- * This DECISION supersedes APPLICABLE VARIANCE 91, COMMISSIONER'S DECISION dated March 20, 1989.